

State of Arizona Acupuncture Board of Examiners

REGULAR MEETING

September 27, 2006

MINUTES

Board Members Present:

Della Estrada, L.Ac., Chairman

Toni Karnas, Public Member

Yong Deng, L.Ac., Professional Member

Rebecca Wilks, Professional Member

Marcey Rosin, L.Ac., Professional Member (via telephone)

Joe Balensi, L.Ac., Professional Member (via telephone)

Board Members Absent:

Diane Pruetz, Public Member

Michael J. Robb, DC, Professional Member

Vacancy, Public Member

Attorney General Representatives:

Lisa Miles, Assistant Attorney General

Christopher A. Munns, Assistant Attorney General

Administrative Staff:

Pete Gonzalez, Executive Director

I. Call To Order

Chairman Estrada called the meeting to order at 1:01 p.m.

II. Board Meeting Minutes—Review, Discussion, and Action

Board Member Deng moved the adoption of the August 23, 2006 Regular Meeting Minutes. The motion was seconded by Board Member Karnas. The motion was passed by a vote of 6-0.

III. Consideration of Administrative Law Judge Decision (Case Number 06A-002-ABE) RE: In the Matter of Jerry Lee McGinnis –Review, Discussion, and Action

Chairman Estrada called for the consideration of the Administrative Law Judge's Recommended Decision in Case Number 06A-002-ABE (Re: the application of Jerry Lee McGinnis). Chairman Estrada asked if the parties are present. Lisa Miles, Assistant Attorney General identified herself on behalf of the State. Mr. McGinnis was not present.

Chairman Estrada asked if board members had received and reviewed a copy of the Administrative Law Judge's decision regarding his matter. All Board Members, with the exception of Board Member Wilks indicated they had received and reviewed the decision. Board Member Wilks asked to excuse herself from this matter since this is her first meeting.

The Board heard the oral argument from Lisa Miles, Assistant Attorney General, on the ALJ's decision and recommended the Board accept the ALJ's recommended findings of fact, conclusions of law, and order and affirm denial of license.

Board Member Rosin made a motion on the Findings of Fact. Board Member Karnas provided a second. The motion was approved 5-0.

Board Member Balensi made a motion on the Conclusions of Law, as proposed in the decision as recommended by the ALJ. Board Member Rosin provided a second. The motion was approved 5-0.

Board Member Deng provided a motion to accept the ALJ's Recommended Order. Board Member Estrada provided a second. The motion was approved 5-0.

IV. Consideration of Applicants for Licensure – Review, Discussion and Action

Chairman Estrada asked that applicant (E) Jungsoo Shim's application be rescheduled for action in the future. Board Member Rosin moved for the approval of the applicants for licensure listed (A –D) below with Board Member Deng providing a second. The Board approved the motion with a 6-0 vote.

- A. Susan D. Stanko
- B. Suzanne B. Berger
- C. Jera L. Pennington
- D. Michelle C. Larson
- E. Jungsoo Shim

V. Consideration of Applicants for Auricular Certification – Review, Discussion and Action

Board Member Balensi moved for approval of auricular certification for the applicants listed below and Board Member Deng provided a second. The Board approved the motion with a 6-0 vote.

- A. Kimberly A. Campbell
- B. Tonya A. Thompson

VI. Consideration of Other Applications—Review, Discussion and Action

Request for Exemption from Continuing Education requirements by Chiu-An Chang, D.O., L.Ac. Reference: R4-8-207

Board Member Rosin cited a conflict of interest regarding this action item. Executive Director Gonzalez provided the Board with a brief explanation of this matter and informed the Board of Dr. Chang's request from last year as well.

Board Members questioned why Dr. Chang had not taken on-line courses at home due to his illness to fulfill his CEU requirement for license renewal.

Assistant Attorney General Lisa Miles provided the Board with legal options to consider with this request.

Board Member Wilks moved that the Executive Director request additional information from Dr. Chang and his physician for Board consideration. Board Member Karnas provided a second on this motion. The motion was approved by a vote of 5-1 (Chairman Estrada).

VII. Appointment of Board Secretary

Chairman Estrada appointed Board Member Balensi to complete the term of Board Secretary until the next Board election in January 2007.

VIII. Professional Business – Review, Discussion and Action

The Executive Director provided the Board with information about the American Association of Oriental Medicine (AAOM) annual meeting (Oct. 19-23) to be held in Litchfield Park, Arizona. Chairman Estrada encouraged Board Members to attend this important meeting if possible.

Executive Director Gonzalez shared information on Chapter 236, House Bill 2786, Laws 2006. This legislation requires licensees to establish a protocol on how to secure storage, transfer and access of patient medical records. This new requirement will need to be met for future license renewal.

Board Member Balensi excused himself for the remainder of the meeting at 1:58 p.m.

IX. Executive Director Report

Executive Director Gonzalez informed the Board of the budget submission for FY 2008-2009.

X. Future Agenda Items -- Review, Discussion and Action

No items were presented.

XI. Future Meeting Dates – Review, Discussion and Action

October 25, 2006
November 22, 2006
December 27, 2006

XII. Call to the Public

There were no requests from the public.

XIII. Adjournment

Board Member Estrada moved for adjournment and Board Member Deng provided a second. The motion passed by a vote of 5-0. The Board adjourned at 2:04 p.m.

Respectfully Submitted,

Pete Gonzalez
Executive Director

Approved by the Board: October 25, 2006